

U.S. Serial No. 10/711,831
Examiner: Derrick G. Hamlin
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REMARKS

Claim 9 is rejected under §112. Claims 1-26 are rejected under § 102(b) and Claims 9 and 19-26 are rejected under § 103(a). Reconsideration is requested in view of the amendments to the claims and the remarks to follow.

Claims 1-21 are cancelled which obviates any discussion. The subject matter of Claims 6, 9, 10 and 14 is incorporated into Claim 22.

§ 102(b) and § 103(a)

Claim 22 and accordingly Claims 6, 9, 10, 14 and 23-26, are directed to a method of cleaning fabric items with a halogen dioxide. Beavan of record is directed to a composition for use in a dishwashing machine. Beavan teaches the use of a phosphate, a disilicate, a chlorite and a tetraborate. There is no teaching or suggestion of utilizing a halogen dioxide to bleach a fabric item.

In the discussion of the prior art, Beavan refers to the use of chlorites in bleaching cellulose in an acid media. What Beavan is referring to by the cellulose is wood pulp and paper, wherein an acid media is typically employed. There is no teaching or suggestion in Beavan to extend this teaching to fabric. Applicants respectfully submit that the Examiner is applying hindsight in relying on a background statement in a reference directed to dishwashing wherein that statement does not refer to fabric. The Examiner states that Beavan teaches away from the use of acids with sodium hypochlorite. The Examiner is advised that for practical purposes alkali metal hypochlorites are relatively ineffective under alkaline conditions. This is clearly stated in Beavan in column 1, lines 26-28 as follows:

It is know that alkalimetal chlorites are oxidizing agents, but for practical purposes they are relatively ineffective under alkaline conditions.

It is submitted that this passage in Beavan would not suggest any direction to take with respect to fabric and chlorine dioxide.

Reconsideration is respectfully requested.

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Claim 14 specifically refers to the treatment of fabric items soiled with chlorhexidine gluconate. It is well known that bleaching agents will set stains in fabric soiled with chlorhexidine gluconate. It was highly unexpected that chlorine dioxide would remove the stain.

In view of the foregoing amendments and remarks, this application is believed to be in condition for allowance. If for any reason it is not in such condition, the Examiner is respectfully requested to call Applicants' attorney for a telephone interview.

The Commissioner is hereby authorized to charge any fees which may be due, or to credit any overpayments made, to Deposit Account No. 50-0231.

Respectfully submitted,

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By: 
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